

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ALLAH F. JUSTICE,

Plaintiff,  
-against-

ORDER  
12-CV-2061(JS)(WDW)

NASSAU COUNTY POLICE OFFICER RONALD  
C. RUSSO, Shield #3620, NASSAU COUNTY  
POLICE OFFICER JEFFREY S. RAYMOND,  
Shield # 1120,

Defendants.

-----X  
APPEARANCES:

For Plaintiff: Allah Justice, Pro Se  
11007727  
Nassau County Correctional Center  
100 Carmen Avenue  
East Meadow, New York 11554

For Defendants: No Appearances

SEYBERT, District Judge:

Before the Court is the Complaint of incarcerated pro se plaintiff Allah F. Justice ("Plaintiff") against Nassau County Police Officers, Ronald C. Russon, Shield No. 3620, and Jeffrey S. Raymond, Shield No. 1120, (together, "Defendants") filed pursuant to 42 U.S.C. § 1983, accompanied by an application to proceed in forma pauperis. Upon review of Plaintiff's declaration in support of the application, the Court finds that Plaintiff's financial status qualifies him to file this action without prepayment of the filing fee. See 28 U.S.C. §§ 1914(a); 1915(a)(1). Therefore, Plaintiff's request to proceed in forma pauperis is GRANTED.

Having reviewed the pro se Complaint, the undersigned declines to conclude at this stage that the within action is

frivolous or malicious within the meaning of 28 U.S.C. § 1915. While it may be that Plaintiff is unable to prevail on his claim, the Court's uncertainty does not justify dismissal at this early juncture. McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir. 2004). Accordingly, the application to proceed in forma pauperis is GRANTED and the Court orders service of the Complaint without prepayment of the filing fee.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of Plaintiff's Summons, Complaint, and this Order for service upon the Defendants without prepayment of fees. Furthermore, the Clerk is directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: May 3, 2012  
Central Islip, New York